

**Romben Aquino
FERRO & CUCCIA
100 LAFAYETTE STREET
NEW YORK, NY 10013
212-966-7775**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**Ameen Nagi Saleh,
Petitioner,**

**Civil Action
Docket 08-cv-0076 (SAS)**

v.

**Andrea Quarantillo, et al.,
Respondents.**
-----X

**DECLARATION OF ROMBEN AQUINO IN SUPPORT OF PETITIONER AMEEN
NAGI SALEH'S MOTION FOR SUMMARY JUDGMENT**

I, Romben Aquino, declare as follows:

1. I am an associate in the law firm of Ferro & Cuccia and counsel to Petitioner Ameen Nagi Saleh in the above-captioned litigation. I submit this declaration to provide information and documents to the Court in support of Petitioner Saleh's Motion for Summary Judgment. I have personal knowledge of the facts and circumstances stated below.

2. Annexed as **Exhibit 1** is a true and correct copy of Petitioner Saleh's N-400 Application for Naturalization.

3. Annexed as **Exhibit 2** is a true and correct copy of Petitioner Saleh's alien registration card (a/k/a "green card").

4. Annexed as **Exhibit 3** is a true and correct copy of USCIS's May 31, 2007 decision denying Petitioner Saleh's N-400 Application.

5. Annexed as **Exhibit 4** is a true and correct copy of USCIS's December 20, 2007 decision denying Petitioner Saleh's N-336 Appeal.

6. Annexed as **Exhibit 5** are true and correct copies of dispositions of arrest relating to Petitioner Saleh.

7. Annexed as **Exhibit 6** are true and correct copies of affidavits regarding Petitioner Saleh's good moral character.

8. Annexed as **Exhibit 7** is a true and correct copy of excerpts from the deposition transcript of Ameen Nagi Saleh, dated March 26, 2008.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of August, 2008 at New York, New York.

ROMBEN AQUINO

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-400 Application for Naturalization

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

Part 1. Your Name. (The Person Applying for Naturalization)

Write your USCIS "A"- number here:
A 091 750 886

A. Your current legal name.

Family Name (Last Name)

SALEH

Given Name (First Name)

Ameen

Full Middle Name (If applicable)

Nagi

B. Your name exactly as it appears on your Permanent Resident Card.

Family Name (Last Name)

SALEH

Given Name (First Name)

Ameen

Full Middle Name (If applicable)

Nagi

C. If you have ever used other names, provide them below

Family Name (Last Name)

None

Given Name (First Name)

Middle Name

D. Name change (optional)

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☒ No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

None

Given Name (First Name)

Full Middle Name

For USCIS Use Only

Bar Code

Date Stamp



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FEB 13 2007
[Signature]

Part 2. Information About Your Eligibility. (Check Only One)

I am at least 18 years old AND

- A. ☒ I have been a Lawful Permanent Resident of the United States for at least five years.
- B. ☐ I have been a Lawful Permanent Resident of the United States for at least three years, and I have been married to and living with the same U.S. citizen for the last three years, and my spouse has been a U.S. citizen for the last three years.
- C. ☐ I am applying on the basis of qualifying military service.
- D. ☐ Other (Please explain) _____

Part 3. Information About You.

Write your USCIS "A"- number here:

A 091 750 886

A. U.S. Social Security Number

616-18-6709

B. Date of Birth (mm/dd/yyyy)

01/01/1940

C. Date You Became a Permanent Resident (mm/dd/yyyy)

12/01/1990

D. Country of Birth

Yemen

E. Country of Nationality

Yemen

☐ Yes☒ No

F. Are either of your parents U.S. citizens? (if yes, see Instructions)

G. What is your current marital status?

☐ Single, Never Married☒ Married☐ Divorced☐ Widowed☐ Marriage Annulled or Other (Explain)

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application?

☐ Yes☒ No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.)

☐ Yes☒ No

If you answered "Yes," check the box below that applies:

☐ I am deaf or hearing impaired and need a sign language interpreter who uses the following language: _____☐ I use a wheelchair.☐ I am blind or sight impaired.☐ I will need another type of accommodation. Please explain: _____**Part 4. Addresses and Telephone Numbers.**

A. Home Address - Street Number and Name (Do not write a P.O. Box in this space)

Apartment Number

689 47th Street, 10th Avenue

City

County

State

ZIP Code

Country

New York

NY

10036

usa

B. Care of

Mailing Address - Street Number and Name (If different from home address)

Apartment Number

Same as above

City

State

ZIP Code

Country

C. Daytime Phone Number (If any)

Evening Phone Number (If any)

E-mail Address (If any)

(212) 768-8781

(212) 768-8781

None

(212) 245 0413 (1)

Part 5. Information for Criminal Records Search.Write your USCIS "A"- number here:
A 091 750 886

NOTE: The categories below are those required by the FBI. See Instructions for more information.

A. Gender☒ Male ☐ Female**B. Height**

5 Feet 3 Inches

C. Weight

120 Pounds

D. Are you Hispanic or Latino?☐ Yes ☒ No**E. Race (Select one or more.)**☒ White ☐ Asian ☐ Black or African American ☐ American Indian or Alaskan Native ☐ Native Hawaiian or Other Pacific Islander**F. Hair color**☐ Black ☐ Brown ☐ Blonde ☒ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)**G. Eye color**☒ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other**Part 6. Information About Your Residence and Employment****A.** Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet(s) of paper.

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates (mm/dd/yyyy)	
	From	To
Current Home Address - Same as Part 4.A	05/2006	Present
2268 Grand Concourse, 1st Floor, Bronx, NY 10457	04/2005	05/2006
20-02 20th Avenue, College Point Blvd., Queens NY 11356	08/1999	04/2005

B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address (Street, City and State)	Dates (mm/dd/yyyy)		Your Occupation
		From	To	
Retired		11/2006	Present	
Grocery Store	2268 Grand Concourse, Bronx, NY 10457	04/2005	11/2006	Helper
One Stop Grocery	20-002 20th Avenue, College Pt, NY 11356	08/1999	04/2005	Helper

(2)

Work for relatives in their stores

Part 7. Time Outside the United States.
(Including Trips to Canada, Mexico and the Caribbean Islands)

Write your USCIS "A"- number here:
A 091 750 886

- A. How many total days did you spend outside of the United States during the past five years? 424 days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past five years? 3 trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet(s) of paper.

Date You Left the United States (mm/dd/yyyy)	Date You Returned to the United States (mm/dd/yyyy)	Did Trip Last Six Months or More?		Countries to Which You Traveled	Total Days Out of the United States
06/27/2006	11/23/2006	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Yemen	149
03/24/2003	07/22/2003	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Yemen	120
08/27/2001	01/29/2002	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Yemen	155
06/30/1997	02/14/1998	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Yemen	229
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Part 8. Information About Your Marital History.

- A. How many times have you been married (including annulled marriages)? 1 If you have never been married, go to Part 9.

- B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

ALI

Jazyeh

2. Date of Birth (mm/dd/yyyy)

3. Date of Marriage (mm/dd/yyyy)

4. Spouse's U.S. Social Security #

02/03/1961

03/05/1977

None

5. Home Address - Street Number and Name

Apartment Number

In Yemen

City

State

Zip Code

Part 8. Information About Your Marital History. (Continued)Write your USCIS "A"- number here:
A 091 750 886

C. Is your spouse a U.S. citizen?

☐ Yes☒ No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?

☐ At Birth☐ Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

3. Place your spouse became a U.S. citizen (Please see Instructions)

City and State

E. If your spouse is not a U.S. citizen, give the following information:

1. Spouse's Country of Citizenship

Yemen

2. Spouse's USCIS "A"- Number (If applicable)

A None

3. Spouse's Immigration Status

☐ Lawful Permanent Resident ☐ Other

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

None

2. Prior Spouse's Immigration Status

☐ U.S. Citizen☐ Lawful Permanent Resident☐ Other

3. Date of Marriage (mm/dd/yyyy)

4. Date Marriage Ended (mm/dd/yyyy)

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other

G. How many times has your current spouse been married (including annulled marriages)?

1

If your spouse has ever been married before, give the following information about your spouse's prior marriage.

If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

None

2. Prior Spouse's Immigration Status

☐ U.S. Citizen☐ Lawful Permanent Resident☐ Other

3. Date of Marriage (mm/dd/yyyy)

4. Date Marriage Ended (mm/dd/yyyy)

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other

Part 9. Information About Your Children.

Write your USCIS "A"- number here:

A 091 750 886

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

5

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet(s) of paper.

Full Name of Son or Daughter	Date of Birth (mm/dd/yyyy)	USCIS "A"- number (if child has one)	Country of Birth	Current Address (Street, City, State and Country)
SALEH, Akeed Ameen	01/01/1984	A None	Yemen	With me
SALEH, Salwa Ameen	01/01/1984	A None	Yemen	In Yemen
SALEH, Haitham Ameen	03/05/1993	A None	Yemen	In Yemen
SALEH, , Saliah Ameen	04/19/1999	A None	Yemen	In Yemen
SALEH, Jubran Ameen	02/01/2004	A None	Yemen	In Yemen

Add Children

Go to continuation page

Part 10. Additional Questions.

Please answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

A. General Questions.

- Have you ever claimed to be a U.S. citizen (in writing or any other way)?
- Have you ever registered to vote in any Federal, state or local election in the United States?
- Have you ever voted in any Federal, state or local election in the United States?
- Since becoming a Lawful Permanent Resident, have you ever failed to file a required Federal state or local tax return?
- Do you owe any Federal, state or local taxes that are overdue?
- Do you have any title of nobility in any foreign country?
- Have you ever been declared legally incompetent or been confined to a mental institution within the last five years?

☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No

Part 10. Additional Questions. (Continued)Write your USCIS "A"- number here:
A 091 750 886**B. Affiliations.**

8. a. Have you ever been a member of or associated with any organization, association, fund, foundation, party, club, society or similar group in the United States or in any other place? ☐ Yes ☒ No
- b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet(s) of paper.

Name of Group	Name of Group
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you ever been a member of or in any way associated *(either directly or indirectly)* with:

- a. The Communist Party?
- b. Any other totalitarian party?
- c. A terrorist organization?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

10. Have you ever advocated *(either directly or indirectly)* the overthrow of any government by force or violence?

☐ Yes ☒ No

11. Have you ever persecuted *(either directly or indirectly)* any person because of race, religion, national origin, membership in a particular social group or political opinion?

☐ Yes ☒ No

12. Between March 23, 1933 and May 8, 1945, did you work for or associate in any way *(either directly or indirectly)* with:

- a. The Nazi government of Germany?
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany?
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp or transit camp?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

C. Continuous Residence.

Since becoming a Lawful Permanent Resident of the United States:

13. Have you ever called yourself a "nonresident" on a Federal, state or local tax return?
14. Have you ever failed to file a Federal, state or local tax return because you considered yourself to be a "nonresident"?

☐ Yes ☒ No

☐ Yes ☒ No

Part 10. Additional Questions. (Continued)Write your USCIS "A" - number here:
A 091 750 886**D. Good Moral Character.**

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer or attorney, told you that you no longer have a record.

15. Have you **ever** committed a crime or offense for which you were **not** arrested? ☐ Yes ☒ No
16. Have you **ever** been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason? ☒ Yes ☐ No (4)
17. Have you **ever** been charged with committing any crime or offense? ☒ Yes ☒ No AS
18. Have you **ever** been convicted of a crime or offense? ☒ Yes ☒ No GAS
19. Have you **ever** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No
20. Have you **ever** received a suspended sentence, been placed on probation or been paroled? ☐ Yes ☒ No
21. Have you **ever** been in jail or prison? ☐ Yes ☒ No

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet (s) of paper to give the same information.

Why were you arrested, cited, detained or charged?	Date arrested, cited, detained or charged? (mm/dd/yyyy)	Where were you arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.)

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

22. Have you ever:
- a. Been a habitual drunkard? ☐ Yes ☒ No
 - b. Been a prostitute, or procured anyone for prostitution? ☐ Yes ☒ No
 - c. Sold or smuggled controlled substances, illegal drugs or narcotics? ☐ Yes ☒ No
 - d. Been married to more than one person at the same time? ☐ Yes ☒ No
 - e. Helped anyone enter or try to enter the United States illegally? ☐ Yes ☒ No
 - f. Gambled illegally or received income from illegal gambling? ☐ Yes ☒ No
 - g. Failed to support your dependents or to pay alimony? ☐ Yes ☒ No
23. Have you **ever** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal? ☐ Yes ☒ No
24. Have you **ever** lied to any U.S. government official to gain entry or admission into the United States? ☐ Yes ☒ No

Part 10. Additional Questions. (Continued)Write your USCIS "A"- number here:
A 091 750 886**E. Removal, Exclusion and Deportation Proceedings.**

25. Are removal, exclusion, rescission or deportation proceedings pending against you?
26. Have you ever been removed, excluded or deported from the United States?
27. Have you ever been ordered to be removed, excluded or deported from the United States?
28. Have you ever applied for any kind of relief from removal, exclusion or deportation?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

F. Military Service.

29. Have you ever served in the U.S. Armed Forces?
30. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?
31. Have you ever applied for any kind of exemption from military service in the U.S. Armed Forces?
32. Have you ever deserted from the U.S. Armed Forces?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

G. Selective Service Registration.

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any state except as a lawful nonimmigrant?

☐ Yes ☒ No

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (mm:dd/yyyy)

Selective Service Number

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

H. Oath Requirements. (See Part 14 for the Text of the Oath)

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States?
35. Do you understand the full Oath of Allegiance to the United States?
36. Are you willing to take the full Oath of Allegiance to the United States?
37. If the law requires it, are you willing to bear arms on behalf of the United States?
38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces?
39. If the law requires it, are you willing to perform work of national importance under civilian direction?

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

Part 11. Your Signature.Write your USCIS "A"- number here:
A 091 750 886

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date (mm/dd/yyyy)

AMEEN, S. NAGI

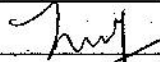
Part 12. Signature of Person Who Prepared This Application for You. (If Applicable)

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the exact questions contained on this form.

Preparer's Printed Name

Preparer's Signature

Joey Chee



Date (mm/dd/yyyy)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

01/19/2007

Ferro & Cuccia

(212)966-7775

Preparer's Address - Street Number and Name

City

State

Zip Code

100 Lafayette Street, Suite 201

New York

NY


10013

NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.

Part 13. Signature at Interview.

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through 6 and the evidence submitted by me numbered pages 1 through 1 are true and correct to the best of my knowledge and belief.

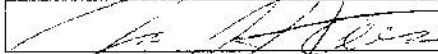
Subscribed to and sworn to (affirmed) before me


 Officer's Printed Name or Stamp
5/16/07
Date (mm dd/yyyy)

Complete Signature of Applicant

Officer's Signature

AMEEN, S. NAGI-SILH

**Part 14. Oath of Allegiance.**

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

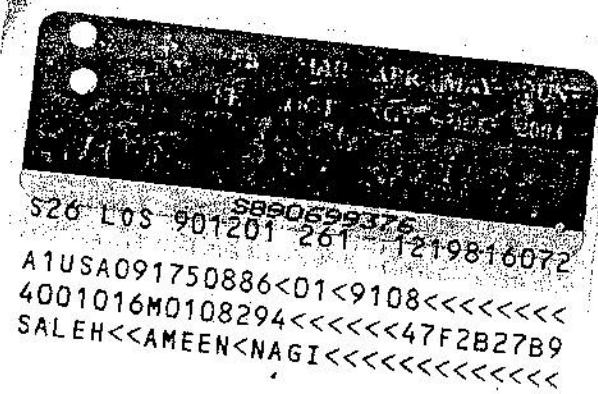
that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant

AMEEN, NAGI-SILH

AMEEN, NAGI-SILH





**U.S. Citizenship
and Immigration
Services**

Direct all responses by mail to the office listed below:
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
26 Federal Plaza # USCIS 7th Fl Room Rm7700
New York NY 10278

Ameen Nagi Saleh
689 47th Street 10th Avenue
New York NY 10036

Refer to this file: ESC*001818453
Alien Number: A 091 750 886
Date: May 31, 2007

DECISION

On May 16, 2007, you appeared for an examination of your application for naturalization, which was filed in accordance with Section 316(A) of the Immigration and Nationality Act.

Pursuant to the investigation and examination of your application it is determined that you are ineligible for naturalization for the following reason(s):

See Attachment(s)

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you must file a request for a hearing within 30 Days of the date of this notice. If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the District Director, with the Immigration and Naturalization office which made the decision, on Form N-336. **Request for Hearing on a Decision in Naturalization Proceedings under Section 336 of the Act, together with a fee of \$265.** A brief or other written statement in support of your request may be submitted with the Request for Hearing.

Sincerely,

Andrea J. Quarantillo
District Director *JK*

cc: Edward J Cuccia
100 Lafayette Street Ste 201
New York NY 10013



Form N-335

Attachment(s) to Form N-335

Applicant: Ameen Nagi Saleh
Application for Naturalization, Form N-400
Alien Number: A091750886
Application ID: ESC*001818453

Your application is hereby denied in accordance with the Title 8 Code of Federal Regulations Section(s) listed below:

Reason: Poor Moral Character (False Testimony, Lying)
CFR8 Reference: Part 316 General Requirements for Naturalization
Section 316.10 Good Moral Character

General requirements for Naturalization as stated in Section 316.2 state, in part, that an alien must establish that he or she:

(7) For all relevant time periods under this paragraph, has been and continues to be a person of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States,

Section 316.10 states:

(a) Requirement of good moral character during the statutory period.

(1) An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.

(2) In accordance with Section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence. The Service is not limited to reviewing the applicant's conduct during the five years immediately preceding the filing of the application, but may take into consideration, as a basis for its determination, the applicant's conduct and acts at any time prior to that period, if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character.

(b) Finding of a lack of good moral character.

(3) Unless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant:

(iii) Committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of 316.10(b)(1) or (2).

Explanation:

On February 16, 2007, you filed an Application for Naturalization (Form N-400) under § 316 of the Immigration and Nationality Act. On May 16, 2007, you presented yourself before an officer of the United States Citizenship and Immigration Services (hereinafter "CIS") for the purpose of being examined, in connection with your application, under the procedures established by the Immigration and Nationality Act (hereinafter "INA") and Title 8, Code of Federal Regulations.

Your interview began on May 16, 2007, with the administration of the prescribed oath. Pursuant to the investigation and examination of your application, the evidence submitted in support thereof, and your testimony, the CIS has determined that you have failed to establish your eligibility for naturalization. During the interview you testified that you were arrested four times, the first on January 29, 1994 for 265.02 Criminal possession of a

weapon in the third degree, 265.01 Criminal possession of a weapon in the fourth degree, 220.50 Criminally using drug paraphernalia, these charges were dismissed by motion of the District Attorney. The three following arrest you testified were all for the same charges two counts of Tax 18140, and one count of Tax 18170, on November 15, 2005 you were arrested for the above charges and were given a one year conditional discharge, you were also arrested on January 13, 2006 for the same charge, and a third time on April 14, 2006, for all three of these arrests you pled guilty to 240.20 disorderly conduct. When questioned about the above arrests you testified that you had been arrested for selling illegal cigarettes. Good moral character is measured on a case by case basis taking into account the standards of the average citizen, as such you have shown a blatant disregard for the laws of the United States as you have not once but three times been arrested for violating the Tax laws of this country.

Therefore, you have not established your eligibility for naturalization under the provisions of § 316 of the INA. Your application is hereby denied. This denial is without prejudice to your filing an application for naturalization when you become eligible under the applicable provisions of the INA.

1105-

11/06

1/06

4/06



Security

U.S. Citizenship and Immigration Services

26 Federal Plaza, New York, NY 10278

A#: 091750886

Date:

DEC 20 2007

Ameen Nagi Saleh
689 47th. Street 10th. Ave.
New York, NY 10036

DECISION ON REVIEW OF DENIAL OF NATURALIZATION APPLICATION

The record shows a submitted Request for Hearing on a Decision in Naturalization Proceedings Under Section 336 of the Act on 6/20/07.

Upon consideration it is determined that the decision previously entered into the record shall be upheld and the application of record denied in that:

8CFR Section 316.2(b) states in part:

"The applicant shall bear the burden of establishing by preponderance of evidence that he or she meets all the requirements for naturalization..."

Also, Section 316 [8 USC 1427] of the Immigration and Nationality Act states:

"(a) No person . . . shall be naturalized, unless such applicant (1) immediately proceeding the filing of his application for naturalization, has resided continuously, after being lawfully admitted for permanent residence, within the United States for five years . . . and (3) during all periods referred to in this subsection has been and still is a person of good moral character . . ."

Also, 8 CFR Section 316.10(b)(3) indicates:

" . . . an application [for naturalization] shall be found to lack good moral character if, during the statutory period, the applicant:

(iii) Committed unlawful acts that adversely reflect upon the applicants moral character . . ."

A hearing, which began with the prescribed oath, was scheduled for 12/5/07, to review the decision to deny your Application for Naturalization. You were denied for a Lack of Good Moral Character because you were arrested and found guilty on three separate occasions within the statutory period upon filing for naturalization. You were arrested on November 15, 2005, January 13, 2006 and again on April 14, 2006 for evading the tax on selling cigarettes. You pleaded guilty to disorderly conduct. When sentenced on the November 2005 arrest you were given a one year conditional discharge yet you ignored that condition and was arrested twice within the year for the same offense. You have shown no reformation of character and in fact have shown a callous disregard for the laws of the United States. You have been convicted of three offenses within the statutory period and are unable to demonstrate Good Moral Character at this time.

Accordingly, after careful review of the record and all relevant statutes, the decision to deny the application for naturalization must remain unchanged. A review of this decision may be sought after before a United States District Court pursuant to Section 310(c) of the Immigration and Nationality Act.

Section 310(c) of the Immigration and Nationality Act states:

Case 1:08-cv-00076-SAS Document 15-6 Filed 08/27/2008 Page 2 of 2
A person whose application for naturalization under this title is denied after hearing before an immigration officer under section 336(a), may seek review of such denial before the United States district court for the district in which such person resides in accordance with chapter 7 of title 5, United States Code. Such review shall be de novo, and the court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner, conduct a hearing de novo on the application."

Sincerely,

Andrea J. Quarantillo (re)
Director Services
Cc: Edward J. Cuccia, Esq.
100 Lafayette St. Ste. 201
New York, NY 10013

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 51870

THE PEOPLE OF THE STATE OF NEW YORK
VS

SALEH, AMEEN
Defendant

01/01/1941
Date of Birth

322 MANHATTEN AV
Address

7590929L
NYSID Number

NYC NY
City State Zip

01/29/1994
Date of Arrest/Issue

Docket Number: 94N006988

Summons No:

265.02 265.01 220.50
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
04/28/1994	DISMISSED - MOTION OF DA	GROSS, M	F

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

CUNNINGHAM, D
COURT OFFICIAL SIGNATURE AND SEAL

01/19/2007
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

SEALED

pursuant to Section 160.50 of the CPL

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 56544

THE PEOPLE OF THE STATE OF NEW YORK
VS

NAGI, AMEEN
Defendant

01/01/1940
Date of Birth

689 AMSTERDAM AVE
Address

9912717L
NYSID Number

MANHATTAN NY
City State Zip

11/15/2005
Date of Arrest/Issue

Docket Number: 2005BX063750

Summons No:

TAX 18140 TAX 18140 TAX 18170
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
<u>01/19/2006</u>	<u>PLED GUILTY & SENTENCE IMPOSED</u> <u>PG 240.20</u> <u>CONDITIONAL DISCHARGE=1Y</u>	<u>BIRNBAUM, A</u>	<u>APAR2</u>

SEALED
AFTER COLLECTION

Pursuant to Section 160.55 of the Cr

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

TURNBULL, V
COURT OFFICIAL SIGNATURE AND SEAL

01/24/2007
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 48866

THE PEOPLE OF THE STATE OF NEW YORK
VS

NAGI, AMEEN
Defendant

01/01/1940
Date of Birth

2268 GRAND CONCOURSE
Address

9508711R
NYSID Number

BRONX NY
City State Zip

01/13/2006
Date of Arrest/Issue

Docket Number: 2006BX002392

Summons No:

TAX 18140 TAX 18140 TAX 18170
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
01/19/2006	PLED GUILTY & SENTENCE IMPOSED PG 240.20 \$50 JDORD	BIRNBAUM, A	APAR2

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

BENNETT, D
COURT OFFICIAL SIGNATURE AND SEAL

04/07/2006
DATE FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

BRONX COUNTY
851 GRAND CONCOURSE
BRONX, NY 10451

CERTIFICATE OF DISPOSITION - MISDEMEANOR/VIOLATION

DATE: 01/09/2007

CERTIFICATE OF DISPOSITION NUMBER: 12683

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 20066C-2006
LOWER COURT NUMBER(S): 2006BX020066
DATE OF ARREST: 04/14/2006
ARREST #: B06625715
DATE OF BIRTH: 01/01/1940

NAGI, AMEEN
SALEH, AMEEN N (AKA)

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 06/12/2006 THE ABOVE NAMED DEFENDANT WAS CONVICTED OF THE VIOLATIONS(S) BELOW BEFORE JUSTICE VILLEGAS, G THEN A JUSTICE OF THIS COURT.

DISORDERLY CONDUCT PL 240.20 00 V

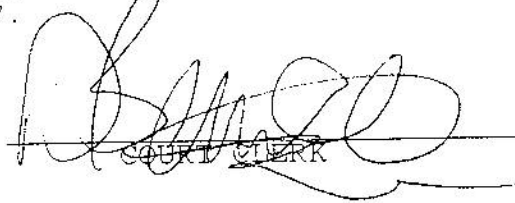
THAT ON 06/12/2006, UPON THE AFORESAID CONVICTION BY PLEA THE HONORABLE VILLEGAS, G THEN A JUDGE OF THIS COURT, SENTENCED THE DEFENDANT TO

DISORDERLY CONDUCT PL 240.20 00 V

\$ = \$100

TOTAL FINE = \$100 (PAID)
CVAF = \$20 (PAID)
SURCHARGE = \$75 (PAID)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 01/09/2007.


COURT CLERK

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Hassan Kassim, being duly sworn, depose and state,

THAT I was born on July 14, 1981 in Yemen.

THAT I reside at 250 Bradhurst Avenue, New York, NY 10039.

THAT I am a citizen of the United States.

THAT I am a good friend of Ameen Nagi SALEH.

THAT my phone number is (646) 996-4060.

THAT I have known Ameen for over a little less than ten years. I had met Ameen years ago when we were still living in Yemen. We were from the same city. When I came to the United States I reunited with Ameen.

THAT when I came to the United States I worked with Ameen. I realized that he is a very generous person. He is very caring especially for the younger crowd. He is like an uncle to me. I see him very often.

THAT he always makes sure we are doing all right. He looks out for us. Anytime we are in need he will try his best to help us.

THAT I have learned many things from Ameen. He has taught me a lot about life. He tells me that it is very important to be a good person.

THAT I know that Ameen is a man of good moral character. He is a good man and I respect him a lot.


Hassan Kassim

Sworn to before me on this
5th Day of August, 2008


NOTARY PUBLIC

ROMBEN E. AQUINO
Notary Public, State of New York
No. 02AQ6134339
Qualified in New York County
Commission Expires Sept. 26, 2011

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Morshed, A, D, ALRABYAI, being duly sworn, depose and state,

THAT I was born on January 1, 1981 in Yemen.

THAT I reside at 1890 Archer Street, Bronx, New York 10462.

THAT I am a citizen of the United States.

THAT my phone number is (347) 415-9007.

THAT I am a good friend of Ameen Nagi SALEH. I have known Ameen over ten years.


THAT I used to work with Ameen. I knew Ameen when we were still in Yemen. We have remained good friends over the years.

THAT I know that he is a very generous person.


THAT I know that Ameen works very hard to send money back home. He tries to help other people other than his family. I have known him for a very long time and I have come to think of him as my family.

THAT I know that he has a lot of friends because he treats everybody with respect and they respect him in return.

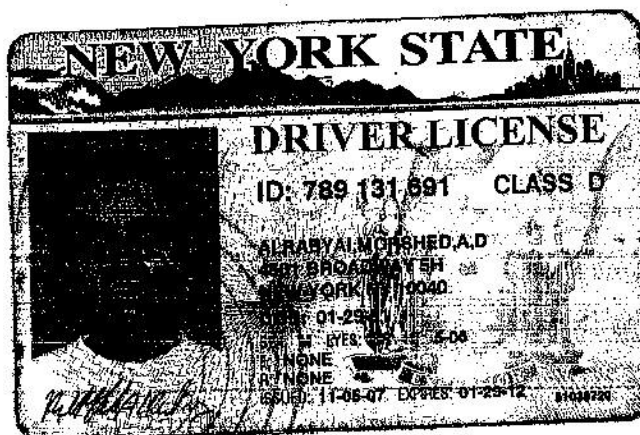
THAT I know that Ameen is a good man. He would never do anything bad because he always tells me to live an honest life. I take his words of wisdom very seriously because I know that he is a good man and he would never do anything to hurt anyone.


Morshed, A, D, ALRABYAI

Sworn to before me on this
5th Day of August, 2008


NOTARY PUBLIC

ROWEN E. AQUINO
Notary Public, State of New York
No. 02AQ6134339
Qualified in New York County
Commission Expires Sept. 26, 2009



STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Noraldain A. ALDAYLAM, being duly sworn depose and state:

THAT I am a Naturalized Citizen of the United States.

THAT I reside at 1890 Archer St. Bronx NY 10462.

THAT I was born on May 05, 1966.

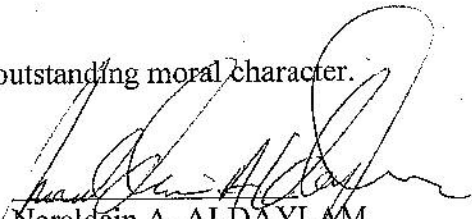
THAT my phone number is 718-824 3486.

THAT I have known Ameen Nagi SALEH for almost seven years. We are lived close to each other. We are very good friends.

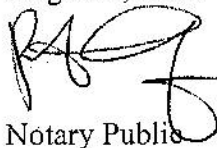
THAT I know Ameen Nagi SALEH is a person of good moral character. He has a great attitude toward people. He never has a problem with anyone. He always looks out for his friends and family.

THAT Ameen Nagi SALEH is always there for me when I need him. He is a selfless person. I have no doubt that he will do whatever he can to help me. I can depend on him for anything. I am grateful to have him as a friend.

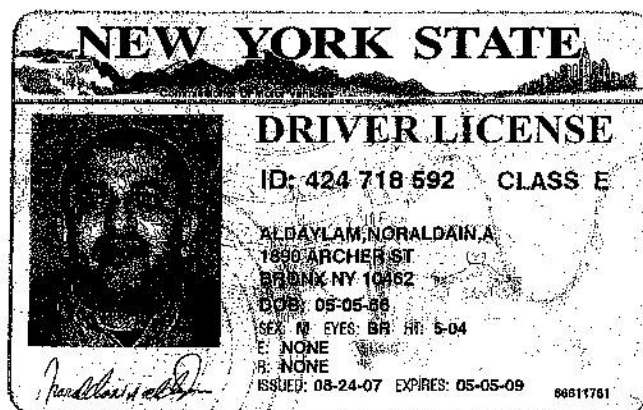
THAT I know Ameen Nagi SALEH is a person of outstanding moral character.


Noraldain A. ALDAYLAM

Sworn to before me on
August 5, 2008


Notary Public

DOMENICO AGUIRO
Notary Public, State of New York
No. 02A036134339
Qualified in New York County
Exp. Date: August 06, 2009



STATE OF NEW YORK

ss.:

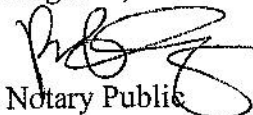
COUNTY OF NEW YORK

I, Ali H. AHMED, being duly sworn depose and state:

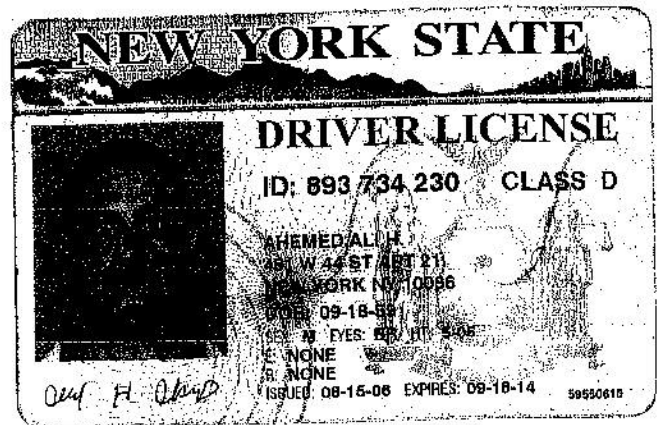
1. I am a naturalized citizen of the United States.
2. I was born on September 18, 1959.
3. I reside at 451 West 44th Street, Apt. 21, New York, NY 10036.
4. My telephone number is 646-460-4077.
5. I have known Ameen Nagi SALEH for almost 10 years. We are from the same village. We are practically neighbors.
6. I know Ameen is a person of good moral character. He works very hard in the United States and sends money to his family in Yemen. He always tells me that his family comes first.
7. I know that Ameen is a well respected member of our Yemeni community. Everyone has such high respect for him. Sometimes when new members from Yemen arrive in the United States, Ameen always offers to help them get situated and show them around New York.
8. I know that if there is something that I need and I ask Ameen for help, I am very sure that Ameen would help me without any questions asked. He is that kind of person. I know that he has helped a lot of our mutual friends in the past.
9. I have known Ameen for such a long time, and I know that he is a person of outstanding moral character.


Ali H. AHMED

Sworn to before me
August 5, 2008


Notary Public

ROBERT E. ADJUNO
Notary Public, State of New York
No. 52406133349
Qualified in New York County
Commission Expires 12/31/09



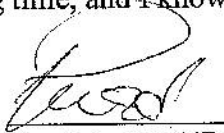
STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

I, Fuad A. HIMED, being duly sworn depose and state:

1. I am a naturalized citizen of the United States.
2. I was born on September 1, 1975.
3. I reside at 2013 5th Avenue, Apt. D53, New York, NY 10035.
4. My telephone number is 646-436-8689.
5. I have known Ameen Nagi SALEH for a very long time. He is married to my sister.
6. I know Ameen is a very hard worker and he takes good care of his family. He always puts his family before himself. I know that Ameen treats my sister with the love and respect that she deserves.
7. I know that if there is something that I need and I ask Ameen for help, I am very sure that Ameen would help me without any questions asked. He is that kind of person. I know that he has helped a lot of our mutual friends in the past.
8. I know that Ameen is a person of good moral character. I am very honored to know him. I only hope that there are more people in this world that are like Ameen.
9. Sometimes Ameen and I would go to restaurants to get Yemeni food and Ameen would always offer to pay for the meal. He is very courteous and always looks after others. He sets good examples for his family and his friends.
10. I have known Ameen for such a long time, and I know that he is a person of outstanding moral character.


Fuad A. HIMED

Sworn to before me
August 5, 2008


Notary Public


DOMINIC A. AQUINO
Notary Public, State of New York
No. 62465138/09
Commission Expires 12/31/11
Printed Name: DOMINIC A. AQUINO

NEW YORK STATE

DRIVER LICENSE

ID: 533 370 125 CLASS E

HINED, RUAD, A
2013 SAVE APT D53
NEW YORK NY 10035
DOB: 09-01-75
SEX: M EYES: BR HT: 5-08
E: NONE
R: NONE
ISSUED: 09-14-07 EXPIRES: 09-01-11 75109711



Ruad Hined

A P P E A R A N C E S:

LAW OFFICES OF FERRO & CUCCIA
Attorneys for Petitioner
100 Lafayette Street, Suite 201
New York, New York 10013

BY: ROMBEN E. AQUINO, Esq., of Counsel

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY FOR THE
SOUTHERN DISTRICT OF NEW YORK
Attorneys for Respondents
86 Chambers Street, Third Floor
New York, New York 10007

BY: NATASHA OELTJEN, Esq., of Counsel
PATRICIA BUCHANAN, Esq., of Counsel

ALSO PRESENT: Farid E. Botros, Arabic Translator

1 .Saleh

2 or less, they give us a paper to go to court.

3 Q And did you get a lawyer before you
4 went to court?

5 A They appointed -- a lawyer appointed
6 by the court. They only give me an interpreter.

7 Q When you went to court were you
8 given a court appointed lawyer?

9 A I only went because of the paper
10 that I received.

11 Q And what did the paper tell you?

12 A The paper said you should appear
13 such and such date and such and such hour.

14 Q Did you talk to a lawyer before you
15 went to court?

16 A I did not speak to anyone. The
17 interpreter interpret to the lawyer, the lawyer is
18 from the court. That's it.

19 Q Did you and the interpreter ever
20 talk to the lawyer?

21 A They give me the interpreter when I
22 entered the court.

23 Q Did you ever talk to the lawyer?

24 A No, I only talk to the interpreter,
25 the interpreter talk to the lawyer, the

1 Saleh

2 came in?

3 A They told me go there.

4 Q Were they speaking to you in
5 English?

6 A He talked to me in English, sometime
7 I understood, a lot of time I did not.

8 Q Did the other person who works in
9 the store, did he speak English?

10 A No, like me, when I left I locked
11 the store.

12 Q Did they take you both to the police
13 station?

14 A They did not take him, they took me
15 because I was sitting in the door. I was like a
16 guard.

17 Q Did they put you in the police car?

18 A Yeah, when I got out they handcuffed
19 me and they had me in the car.

20 Q Did they tell you why they were
21 taking you to the police station?

22 A They told me we're taking you over
23 there, if you're gonna get jailed, you're gonna
24 get jailed, they told me because of cigarette.

25 Q What did they say about the

1 Saleh

2 A No, they give me another lawyer.

3 Q A different lawyer?

4 A Different lawyer.

5 Q Was the different lawyer with you
6 when you went to court?

7 A And another interpreter. They
8 called my name, they ask me you have a lawyer, I
9 told them not. They give me the lawyer.

10 Q And then what did they tell you were
11 charged with?

12 A You are charged with selling
13 cigarette.

14 Q Did they ask you questions when you
15 were in court?

16 A No, they did not ask me any
17 question, the question in front of the judge and
18 that was it. And he asked me to appear another
19 time in court.

20 Q How many times did you appear in
21 court for this one charge?

22 A Twice.

23 Q When was the first time?

24 A The first time was not the time when
25 arrested for the cigarette. The first time was

1 Saleh

2 when I was charged with possession of the gun.

3 Q That's a separate charge I'm going
4 to ask you about later.

5 A Okay.

6 Q How many times did you go to court
7 because of the January 13th, 2006 arrest?

8 A Twice.

9 Q What happened the first time?

10 A He asked me are you a criminal, I
11 said no, I have kids, I'm not criminal.

12 Q Who asked you this?

13 A The lawyer -- no, the lawyer asked
14 me and the interpreter, interpret for the lawyer.
15 And told the judge guilty or no, I told not
16 guilty, I did not understand what was going on. I
17 no speak English.

18 Q But you had an interpreter?

19 A I had the interpreter but every time
20 they get me different interpreter.

21 Q Did you understand the interpreter?

22 A Sometime I understand him, sometime
23 I don't.

24 Q On January 19th, when you went to
25 court, you had an interpreter?

1 Saleh

2 cigarettes?

3 A They said I sold cigarette. I told
4 them no, I did not sell cigarette. And in court,
5 in court, they ask me did you sell cigarette, I
6 said no. I don't know what they put down. I
7 don't know what they wrote, but I told them I'm
8 not selling cigarette.

9 Q Did you and Tawfic have to go to
10 court on the same day, or did you go to court on
11 different days?

12 A Different, I did not go with him.

13 Q Did you have a lawyer?

14 A They give me one of their lawyer and
15 they give me one of their interpreter, a Moroccan
16 interpreter, I don't understand him. Everything,
17 he tells me just say okay.

18 Q Did you understand anything he said?

19 A I did not understand. Sometime I
20 understand, sometime I don't understand.

21 Q Did you ask for another interpreter?

22 A No, no, they are the one who assign
23 the interpreter, not me.

24 Q Did you ask them to assign a
25 different interpreter?

1 Saleh

2 A No.

3 Q So how many times did you go to
4 court for this arrest?

5 A Three times -- four times.

6 Q How many times did you go to court
7 after the April 14th arrest?

8 A Twice.

9 Q And what happened on the first of
10 those times?

11 A Nothing happened, every time they
12 give me a lawyer.

13 Q And what did the lawyer do?

14 A He talked to the interpreter and the
15 interpreter tells me.

16 Q What does he tell you?

17 A Sometime I understood the
18 interpreter, sometime I don't understand him. He
19 tells me say okay and I say okay.

20 Q What happened at the end of the
21 hearing?

22 A Nothing happened after that day.

23 THE INTERPRETER: So I told
24 him, on the day of. Can we ask for a
25 break please, I'm getting tired.